



including, but not not limited to, that the Defendants have tendered the \$500.00 liquidated damages<sup>1</sup> required by the parties' Non-Solicitation Agreement and because the Plaintiff cannot meet the four pronged injunction test required by *Winter v. Natural Resource Defense Council, Inc.* 555 U.S. 7 (2008).

June 27, 2019  
Charleston, South Carolina

s/Ronald L. Richter, Jr.  
Ronald L. Richter, Jr. (Federal Bar No. 6264)  
s/Scott M. Mongillo  
Scott M. Mongillo (Federal Bar No. 7436)  
BLAND RICHTER, LLP  
*Attorneys for Defendants*  
Peoples Building  
18 Broad Street, Mezzanine  
Charleston, South Carolina 29401  
Telephone 843.573.9900  
Facsimile 843.573.0200  
ronnie@blandrichter.com  
scott@blandrichter.com

s/Eric S. Bland  
Eric S. Bland (Federal Bar No. 5472)  
BLAND RICHTER, LLP  
*Attorneys for Defendants*  
1500 Calhoun Street  
Post Office Box 72  
Columbia, South Carolina 29202  
Telephone 803.256.9664  
Facsimile 803.256.3056  
ericbland@blandrichter.com

-and-

---

<sup>1</sup> Please see *Bethesda Softworks, L.L.C. v. Interplay Entm't Corp.*, 452 F. App'x 351, 353 (4th Cir. 2011). In *Bethesda Softworks*, the 4<sup>th</sup> Circuit Court of Appeals stated that preliminary injunctions are not available where the harm at issue can be remedied by money damages, absent extraordinary circumstances, such as the Plaintiff's business being unable to exist without the injunction. That is not the case here. See also, *Christopher Phelps & Associates LLC v. Galloway*, 492 F.3d 532, 544 (4th Cir. 2007) in which the Court upheld the District Court's decision to deny Plaintiff's request for injunctive relief after Plaintiff had already been awarded money damages for intellectual property infringement.

s/Timothy D. St. Clair

Timothy D. St. Clair (Federal Bar No. 4270)

PARKER POE ADAMS & BERNSTEIN, LLP

*Attorneys for Defendants*

110 East Court Street, Suite 200

Greenville, South Carolina 29601

Telephone: 864.577.6371

Facsimile: 864.242.9888

[timstclair@parkerpoe.com](mailto:timstclair@parkerpoe.com)